

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

MITCHELL FRANCIZ DUFAULT,

Defendant(s).

CASE NO. CR24-0134-KKE

ORDER GRANTING DEFENDANT'S
MOTION TO CONTINUE TRIAL

This matter comes before the Court on Defendant's unopposed motion to continue the trial date and pretrial motions deadline. Dkt. No. 16. The Court has considered the reasons for the motion, the agreement of the parties, and the remainder of the record, and finds that:

1. Taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny defense counsel the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and
2. A failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

3. The additional time requested is a reasonable period of delay, as Defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and
4. The ends of justice will be best served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and
5. The additional time requested between the current trial date of October 7, 2024, and the new trial date is necessary to provide defense counsel the reasonable time necessary to prepare for trial, considering counsel's schedule and all of the fact set forth above.

Defendant's unopposed motion (Dkt. No. 16) is therefore GRANTED. The trial date is continued to 9:30 a.m. on February 10, 2025. Pretrial motions, including motions in limine, shall be filed no later than January 9, 2025.

IT IS ORDERED that the period of delay from the date of this order to the new trial date of February 10, 2025, is excludable time under 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

Dated this 5th day of September, 2024.



Kyemberly K. Evanson
United States District Judge